

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|--|
| In re: | : | |
| | : | Case No.: 18-17650-mdc |
| Emma Fortune | : | Chapter 13 |
| | : | Judge Magdeline D. Coleman |
| Debtor(s) | : | ***** |
| | : | |
| Plaza Home Mortgage, Inc. | : | Date and Time of Hearing |
| | : | Place of Hearing |
| vs | : | June 11, 2019 at 10:30 a.m. |
| | : | |
| Emma Fortune | : | U.S. Bankruptcy Court |
| | : | 900 Market Street, Courtroom #2 |
| William C. Miller, Esq. Chapter 13 | : | Philadelphia, PA, 19107 |
| Trustee | : | |
| Respondents. | | |

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT PLAZA HOME
MORTGAGE, INC. TO FORECLOSE ON 7643 WOOLSTON AVENUE,
PHILADELPHIA, PA 19150**

Plaza Home Mortgage, Inc. (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Emma Fortune ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on November 16, 2018, ("Petition").

5. Debtor is currently obligated to Plaza Home Mortgage, Inc., under the terms of a certain Note, dated August 31, 2015, in the original principal amount of \$117,727.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Plaza Home Mortgage, Inc., with respect to certain real property owned by the Debtor located at 7643 Woolston Avenue, Philadelphia, PA 19150 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 52962163 on September 3, 2015 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

8. The loan was modified as set forth in the terms of the Loan Modification Agreement attached as an Exhibit.

9. Debtor has failed to make post-petition mortgage payments for the past 4 months, as of May 9, 2019.

10. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

11. The total loan balance and the amount past due to Plaza Home Mortgage, Inc. in post-petition arrearages are \$125,263.58 and \$3,167.62, respectively, as of May 9, 2019.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Plaza Home Mortgage, Inc. in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Plaza Home Mortgage, Inc. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Plaza Home Mortgage, Inc. in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Sarah E. Barngrover

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 18-17650-mdc**
Emma Fortune : **Chapter 13**
: **Judge Magdeline D. Coleman**
Debtor(s) : * * * * *
:
Plaza Home Mortgage, Inc. : **Date and Time of Hearing**
Movant, : **Place of Hearing**
vs : **June 11, 2019 at 10:30 a.m.**
:
Emma Fortune : **U.S. Bankruptcy Court**
: **900 Market Street, Courtroom #2**
William C. Miller, Esq. Chapter 13 : **Philadelphia, PA, 19107**
Trustee :
Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Plaza Home Mortgage, Inc. to foreclose on 7643 Woolston Avenue, Philadelphia, PA 19150 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Emma Fortune, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on May 14, 2019:

Emma Fortune, 7643 Woolston Avenue, Philadelphia, PA 19150

City of Philadelphia, Tax Unit, Law Department, 1401 John. F Kennedy BLVD., 5th Floor,
Philadelphia, PA 19102

DATE: 05/14/2019

/s/ Sarah E. Barngrover

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